

APR 12 2017

JULIA D. DOWLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 7:06CR00095
)	(Civil Action No. 7:16CV81036)
v.)	
)	<u>FINAL ORDER</u>
LAWRENCE MCCUTCHEON III,)	
)	By: Hon. Glen E. Conrad
Defendant.)	Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. McCutcheon's motion pursuant to 28 U.S.C. § 2255 (ECF No. 109) is **GRANTED**;
2. The government's motion to dismiss (ECF No. 123) is **DENIED**;
3. The parties have agreed to a sentence of time served with a supervised release term of three years, with the conditions to remain the same as announced at the time of the original sentencing hearing;
4. Effective today, the defendant shall be released from his period of incarceration based on time served;
5. As per the agreement of the parties, the remaining portions of the court's original judgment, including the period of conditions of supervised release, shall remain in full effect;
6. Defendant shall begin a period of supervised release this day, following his release from the custody of the Bureau of Prisons;
7. All remaining motions and issues now pending in this case, shall be and hereby are **DISMISSED AS MOOT**; and

8. The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and all counsel of record. In addition, the Clerk is directed to close Civil Action No. 7:16CV81036 as all further action will occur in McCutcheon's criminal case.

ENTER: This 12th day of April, 2017.



Chief United States District Judge